

Message

From: Rubin, Judy [Rubin.Judy@epa.gov]
Sent: 12/12/2019 7:33:50 PM
To: Calderon, Wanda [Calderon.Wanda@epa.gov]
Subject: FW: Ted Mann emails 4

Judy Rubin

IT Specialist
Information Resource Management Branch
USEPA - Region 2
212-637-3340

From: Judy Rubin <Rubin.Judy@epamail.epa.gov> **On Behalf Of** Judith_Enck/R2/USEPA/US
Sent: Thursday, December 12, 2019 2:21 PM
To: Rubin, Judy <Rubin.Judy@epa.gov>
Subject: Ted Mann emails 4

Judith Enck
Regional Administrator
U.S. Environmental Protection Agency
290 Broadway
New York, N.Y. 10007-1866
(212) 637-5000

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:20 PM -----

From: Judith Enck/R2/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA,
Date: 12/14/2010 09:20 PM
Subject: Re: hudson river

technical staff (who pressed me very hard this afternoon to push for a Thursday release) now say they cannot be ready until Thursday night. they could have done it if they did an all nighter tonight but I didn't see the point of inflicting that on them, esp if we were not sure if Thursday was a go.

Judith Enck
Regional Administrator
U.S. Environmental Protection Agency
290 Broadway
New York, N.Y. 10007-1866
(212) 637-5000

▼ Seth Oster---12/14/2010 09:05:35 PM---Why? ----- Original Message -----

From: Seth Oster/DC/USEPA/US
To: Judith Enck/R2/USEPA/US@EPA
Date: 12/14/2010 09:05 PM
Subject: Re: hudson river

Why?

▼ Judith Enck

----- Original Message -----

From: Judith Enck
Sent: 12/14/2010 08:19 PM EST
To: Seth Oster
Subject: hudson river

hi seth: let's stick with Friday

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Regional Administrator
U.S. Environmental Protection Agency
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New York, N.Y. 10007-1866
(212) 637-5000

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2010 02:20 PM -----

From: Judith Enck/R2/USEPA/US
To: Walter Mugdan/R2/USEPA/US@EPA,
Cc: Bob Sussman/DC/USEPA/US@EPA, Benny Conetta/R2/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, fischer.douglas@epa.gov,
Garbarini.Doug@epamail.epa.gov, James Woolford/DC/USEPA/US@EPA, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, Lisa
Feldt/DC/USEPA/US@EPA, Pavlou.George@epa.gov, schaaf.eric@epa.gov, simon.paul@epa.gov, Southerland.Elizabeth@epamail.epa.gov,
wmichaelmccabe@earthlink.net
Date: 11/29/2010 03:33 PM
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

I agree with walter.

further, we should think about how to structure the meeting so it is the most productive it can be in one hour. I know for the meeting with New York state govt and the trustees they plan to have dec exec deputy commissioner stu gruskin open up the meeting to frame the state's views on the project for about ten minutes.

Ex. 5 Deliberative Process (DP)

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The people coming to both meetings are well versed on the details of the project.

Ex. 5 Deliberative Process (DP)

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logisitics:

the 1pm meeting with the state is in ariel rios north but we don't know the room yet. right?

the 3:30 meeting with the NGO's is in ariel rios north room 3309

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▼ Walter Mugdan---11/29/2010 03:10:57 PM---

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To: Bob Sussman/DC/USEPA/US@EPA
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Garbarini.Doug@epamail.epa.gov, James Woolford/DC/USEPA/US@EPA, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, Lisa
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wmichaelmccabe@earthlink.net
Date: 11/29/2010 03:10 PM
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

Ex. 5 Deliberative Process (DP)

[attachment "Resuspension Standard.11 27.docx" deleted by Judith Enck/R2/USEPA/US]

▼ Bob Sussman---11/29/2010 02:38:15 PM---Thanks Walter.

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From: Bob Sussman/DC/USEPA/US
To: Walter Mugdan/R2/USEPA/US@EPA
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Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

Thanks Walter.

Ex. 5 Deliberative Process (DP)

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
(202)-564-7397
US Environmental Protection Agency

▼ Walter Mugdan---11/29/2010 02:14:31 PM---You may wish to read this in advance of our meeting with the NGOs tomorrow:

From: Walter Mugdan/R2/USEPA/US

To: Sussman.Bob@epamail.epa.gov, Lisa.Feldt/DC/USEPA/US@EPA, James.Woolford/DC/USEPA/US@EPA, Southerland.Elizabeth@epamail.epa.gov, wmichaelmccabe@earthlink.net, Elliott.Gilberg/DC/USEPA/US@EPA, Enck.Judith@epamail.epa.gov, Pavlou.George@epa.gov

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Date: 11/29/2010 02:14 PM

Subject: FYI: NRDC Blog on Hudson River Cleanup

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From: "Levine, Larry" <llevine@nrdc.org>
To: "Levine, Larry" <llevine@nrdc.org>
Date: 11/29/2010 01:35 PM
Subject: Blog post: Will Sound Science -- or Corporate Interests -- Rule the Day on Hudson PCBs Cleanup?

I thought you might be interested in this new post:

http://switchboard.nrdc.org/blogs/llevine/will_sound_science_--_or_corpo.html

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Date: 11/29/2010 03:42 PM
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

Sounds good but after his introduction, a short summary of where we stand with GE would be helpful. I can do that, with an assist from the region.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
(202)-564-7397
US Environmental Protection Agency

▼ Judith Enck---11/29/2010 03:33:36 PM---I agree with walter. further, we should think about how to structure the meeting so it is the most

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▼ Walter Mugdan---11/29/2010 03:10:57 PM---When last we met with the NOGs on November 2 I explained the basic framework of how we expect to org

From: Walter Mugdan/R2/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Benny Conetta/R2/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, Enck.Judith@epamail.epa.gov, fischer.douglas@epa.gov, Garbarini.Doug@epamail.epa.gov, James Woolford/DC/USEPA/US@EPA, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, Lisa Feldt/DC/USEPA/US@EPA, Pavlou.George@epa.gov, schaaf.eric@epa.gov, simon.paul@epa.gov, Southerland.Elizabeth@epamail.epa.gov, wmichaelmccabe@earthlink.net
Date: 11/29/2010 03:10 PM
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

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[attachment "Resuspension Standard.11 27.docx" deleted by Judith Enck/R2/USEPA/US]

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Date: 11/29/2010 02:38 PM
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

Thanks Walter.

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Robert M. Sussman
Senior Policy Counsel to the Administrator
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To: Sussman.Bob@epamail.epa.gov, Lisa Feldt/DC/USEPA/US@EPA, James Woolford/DC/USEPA/US@EPA, Southerland.Elizabeth@epamail.epa.gov, wmichaelmccabe@earthlink.net, Elliott Gilberg/DC/USEPA/US@EPA, Enck.Judith@epamail.epa.gov, Pavlou.George@epa.gov
Cc: schaaf.eric@epa.gov, simon.paul@epa.gov, Garbarini.Doug@epamail.epa.gov, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, fischer.douglas@epa.gov, Benny Conetta/R2/USEPA/US@EPA
Date: 11/29/2010 02:14 PM
Subject: FYI: NRDC Blog on Hudson River Cleanup

You may wish to read this in advance of our meeting with the NGOs tomorrow:

----- Forwarded by Walter Mugdan/R2/USEPA/US on 11/29/2010 02:12 PM -----

From: "Levine, Larry" <llevine@nrdc.org>
To: "Levine, Larry" <llevine@nrdc.org>

Date: 11/29/2010 01:35 PM

Subject: Blog post: Will Sound Science -- or Corporate Interests -- Rule the Day on Hudson PCBs Cleanup?

I thought you might be interested in this new post:

http://switchboard.nrdc.org/blogs/llevine/will_sound_science_-_or_corpo.html

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From: Bob Sussman/DC/USEPA/US
To: Judith Enck/R2/USEPA/US@EPA,
Cc: beck.nancy@epa.gov, sussman.bob@epa.gov, Georgia Bednar/DC/USEPA/US@EPA
Date: 09/20/2010 06:33 PM
Subject: Re: Marcellus drilling

Will this work, georgia?

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

▼ Judith Enck-----09/20/2010 05:07:59 PM-----Hi bob. I will be in hq this thursday for the ge pcb mtg. Are u available immediately afterwards to

From: Judith Enck/R2/USEPA/US
To: sussman.bob@epa.gov, beck.nancy@epa.gov
Date: 09/20/2010 05:07 PM
Subject: Marcellus drilling

Hi bob. I will be in hq this thursday for the ge pcb mtg. Are u available immediately afterwards to have a general discussion about marcellus drilling? Thanks
Sent by EPA Wireless E-Mail Services

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:20 PM -----

From: Judith Enck/R2/USEPA/US
To: Walter Mugdan/R2/USEPA/US@EPA, "Pavlou George" <Pavlou.George@epa.gov>,
Date: 12/09/2010 12:22 PM
Subject: Re: I'm available to attend the NYSDEC Hudson Meeting with George on Friday

Great
Sent by EPA Wireless E-Mail Services

ED_003002A_00000004-00007

From: Walter Mugdan
Sent: 12/09/2010 08:41 AM EST
To: Pavlou.George@epa.gov; Judith Enck
Subject: I'm available to attend the NYSDEC Hudson Meeting with George on Friday

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:20 PM -----

From: Judith Enck/R2/USEPA/US
To: Nancy Beck/R2/USEPA/US@EPA,
Date: 12/09/2010 04:56 PM
Subject: Re: Invitation: Conference Call with The Administrator - Hudson River PCB Cleanup (Dec 11 10:00 AM EST in By Phone (call-in information below))

Yes. I will call in. So much for my 3 hours at the beach
Sent by EPA Wireless E-Mail Services

▼ Nancy Beck

----- Original Message -----

From: Nancy Beck
Sent: 12/09/2010 04:09 PM EST
To: Judith Enck
Subject: Fw: Invitation: Conference Call with The Administrator - Hudson River PCB Cleanup (Dec 11 10:00 AM EST in By Phone (call-in information below))
Hi Judith,

Just wanted to make sure you are aware of this call on SATURDAY at 10:00 a.m. Eastern Standard Time, which is 11:00 a.m. in Puerto Rico.

Nancy

----- Forwarded by Nancy Beck/R2/USEPA/US on 12/09/2010 04:05 PM -----



Invitation: Conference Call with The Administrator - Hudson River PCB Cleanup

Sat 12/11/2010 10:00 AM - 10:30 AM

Attendance is **optional** for Nancy Beck

Chair: **scheduling**

Sent By: **Daniel Gerasimowicz/DC/USEPA/US**

Location: **By Phone (call-in information below)**

scheduling has invited you to a meeting. You have not yet responded.

Required: Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Brenda Mallory/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Walter Mugdan/R2/USEPA/US@EPA

Optional:

Becky Brooks/DC/USEPA/US@EPA, Carla Veney/DC/USEPA/US@EPA, Donald Maddox/DC/USEPA/US@EPA, Georgia Bednar/DC/USEPA/US@EPA, Linda Huffman/DC/USEPA/US@EPA, Nancy Beck/R2/USEPA/US@EPA, Teresa Hill/DC/USEPA/US@EPA, Teri Porterfield/RTP/USEPA/US@EPA

Description

Please call:

Ex. 6 Personal Privacy (PP)

Thank you.

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:20 PM -----

From: Judith Enck/R2/USEPA/US
To: "Bonnie Bellow" <bonniebellow@gmail.com>,
Date: 12/11/2010 09:49 AM
Subject: Re: Hudson River Press Release

Ok. We shall see how tofays call goes then I will work with the draft. Just got back from a half hour on the water and getting ready for 11am call then heading to the airport. I hope u have a relaxing and fun wknd! Was great to meet frank. Thanks for ALL your help this week. I think we had a really good week. Cheers judith
Sent by EPA Wireless E-Mail Services

From: Bonnie Bellow [bonniebellow@gmail.com]
Sent: 12/11/2010 09:38 AM EST
To: Judith Enck
Cc: Bonnie Bellow
Subject: Hudson River Press Release

Here is a version with your changes.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

--
Bonnie Bellow
212-222-7774
917-572-8853 cell

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:20 PM -----

From: Judith Enck/R2/USEPA/US
To: scheduling@EPA,
Date: 12/01/2010 05:25 PM
Subject: Re: Invitation: The Administrator's Meeting with NRDC and NY Enviros on GE Cleanup (Dec 7 01:45 PM EST in The Bullet Room)

I cannot attend but george pavlou will attend in my place. Thanks
Sent by EPA Wireless E-Mail Services
▼ scheduling

----- Original Message -----
From: scheduling
Sent: 12/01/2010 05:04 PM EST
Subject: Invitation: The Administrator's Meeting with NRDC and NY Enviros on GE Cleanup (Dec 7 01:45 PM EST in The Bullet Room)

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To: Walter Mugdan/R2/USEPA/US@EPA,
Date: 11/30/2010 08:25 AM
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

Ex. 5 Deliberative Process (DP)

Sent by EPA Wireless E-Mail Services
▼ Walter Mugdan

----- Original Message -----
From: Walter Mugdan
Sent: 11/29/2010 03:43 PM EST
To: Bob Sussman
Cc: Benny Conetta; Elliott Gilberg; Judith Enck; fischer.douglas@epa.gov; Doug Garbarini; James Woolford; king.david@epa.gov; Gary Klawinski; Lisa Feldt; Pavlou.George@epa.gov; schaaf.eric@epa.gov; simon.paul@epa.gov; Elizabeth Southerland; wmichaelmccabe@earthlink.net
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Date: 11/29/2010 03:29 PM
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

Thanks Walter.

You note that you will share our resuspension and load proposal with the NGOs. Have we been sharing all our proposals with them? If not, why this one?

Btw, I just got a call from Brackett. He noted that Immelt is again calling the Administrator (in fact he has already placed the call) and will repeat that GE is at or close to its "bottom line."

Brackett also said that GE's analysis of Phase 1 capping is different from ours -- i.e. GE says that total avoidable capping was 25 percent during and unavoidable capping was 12 percent. He indicated that these numbers will be discussed at this afternoon's meeting with the company.

Finally, Brackett reported that GE agrees to make an opt-in decision by January 10 if we transmit our 15b package on December 13. Walter, do you want to confirm in writing?

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
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US Environmental Protection Agency

▼ Walter Mugdan--11/29/2010 03:10:59 PM--
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Cc: schaaf.eric@epa.gov, simon.paul@epa.gov, Garbarini.Doug@epamail.epa.gov, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, fischer.douglas@epa.gov, [Benny Conetta/R2/USEPA/US@EPA](mailto:Benny.Conetta/R2/USEPA/US@EPA)
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----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:20 PM -----

From: Bob Sussman/DC/USEPA/US
To: Judith Enck/R2/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA,
Cc: Adora Andy/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, "Seth Oster" <oster.seth@epa.gov>, Richard Windsor/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA
Date: 12/17/2010 12:35 PM
Subject: Re: Hudson River update

All good. Well done.

Judith Enck

----- Original Message -----

From: Judith Enck
Sent: 12/17/2010 12:32 PM EST
To: Brendan Gilfillan
Cc: Adora Andy; Arvin Ganesan; Bob Perciasepe; Bob Sussman; Cynthia Giles-AA; Daniel Kanninen; Diane Thompson; Janet Woodka; Mathy Stanislaus; Seth Oster <oster.seth@epa.gov>; Richard Windsor; Stephanie Owens
Subject: Hudson River update
conference call with reporters went well.
I spoke with Congressman Hinchey who was fairly positive and will be putting out a news release.
NY DEC will be neutral, and may recycle their idea to do more dredging in river section 2.

Ex. 5 Deliberative Process (DP)

Environmental groups somewhat cranky but I am talking to them individually and walking them through the many benefits of the project and our desire to proceed without delay.
Bobby Kennedy is out of the country.
all congressional outreach is done.
conference call with the CAG went well.
GE just put out a statement which flirts with the idea of opting in, saying they will decide by mid-January.
we will continue to work the phones throughout the afternoon.

cheers,

Judith Enck
Regional Administrator
U.S. Environmental Protection Agency
290 Broadway
New York, N.Y. 10007-1866
(212) 637-5000

▼ Brendan Gilfillan---12/17/2010 12:23:07 PM---EPA to Require Deeper Dredging of PCB-Laced Hudson River NBC (NYC affiliate)/Brian Thompson

From: Brendan Gilfillan/DC/USEPA/US

To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Adora Andy/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA

Date: 12/17/2010 12:23 PM

Subject: Initial GE coverage

EPA to Require Deeper Dredging of PCB-Laced Hudson River

NBC (NYC affiliate)/Brian Thompson

After months of study, the U.S. Environmental Protection Agency said it has a better idea for cleaning up the Hudson River from New York City 200 miles north to Hudson Falls.

That entire length of the river has been classified a Superfund Site following decades of pollution with PCBs from two transformer plants operated by General Electric (the parent company of NBC New York) before the chemical was labeled a possible carcinogen, and before there were regulations for its disposal.

GE began dredging off a small stretch of the river at its most polluted point last summer in a Phase One test of the procedure after working for years with the EPA on the best way to effect the clean up.

Now, the EPA says Phase 2 dredging must go deeper in order to reduce the amount of PCB-laced silt that gets stirred up and floats downstream.

"We've said from the start that a clean Hudson is non-negotiable, and the path we have laid out today relies on the best science to ensure this dangerous pollution is addressed in an effective way," said EPA Region 2 Administrator Judith Enck in a statement.

For years, the EPA and New York State have banned fishing in the upper Hudson while restricting how much fish people can eat from waters closer to New York City.

While fish testing after last summer's dredging showed no real change in PCB levels, the EPA believes its new program will "show speedy and dramatic improvements as a result of the dredging."

But when Enck was asked by NBCNewYork in a conference call if fish advisories will be lifted after completion of the "5 to 7 year" Phase 2, she said "Unfortunately not."

"It's gonna take many decades for the levels(of PCB's) to come down," said Enck.

There has been controversy with environmental groups over limited "capping" of some parts of the polluted sediment--a cheaper alternative, or dredging all of it. Beyond allowing capping in areas where dredging is impractical, such as near shorelines, the EPA will allow just 11% of the river's course in Phase 2 to be capped(in Phase 1, it allowed 22% capping).

GE issued a statement saying it is "reviewing" the EPA report while noting its "public commitment eight years ago to cooperate with EPA on this project."

Spokesman Mark Behan noted that it supports extensive dredging and added that it expects to remove up to 97% of the PCB's in the stretches of the river where it and the EPA have agreed on the procedure (about 15% of the 40 mile stretch).

The company said it "will carefully evaluate EPA's plan. If we determine that the plan is consistent with our technical discussions with EPA, that it is based on sound science, and that it is feasible to achieve, we expect to move forward with Phase 2."

GE said it would be back to the EPA by mid-January.

As for any threat to drinking water, the EPA said it would closely monitor the river at Green Island, but Superfund Director Walter Mudgan said there is "absolutely no risk" seen to those municipalities that get their water from the Hudson, all the way down to Poughkeepsie.

EPA: New Hudson River PCB dredging rules for GE

Associated Press

ALBANY, N.Y. — The federal government tells General Electric to dig deeper, take better samples and cap less of the Hudson River bottom when it starts the second phase of PCB cleanup in the waterway next year.

The Environmental Protection Agency says Friday the company must cap a maximum of 11 percent of the total project area, not counting rocky or other hard-to-reach areas. That compares with 22 percent allowed in the first phase completed last year.

Environmentalists worried that EPA would allow up to 24 percent to be capped, in which PCBs are left in the river and covered over.

The EPA also says GE must take better samples to determine the extent of pollution. The agency found poor sampling meant dredgers didn't go deep enough the first time around.

GE says it's reviewing the standards.

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:20 PM -----

From: Judith Enck/R2/USEPA/US
To: scheduling@EPA,
Cc: "George Pavlou" <Pavlou.George@epamail.epa.gov>
Date: 12/06/2010 08:23 AM
Subject: Re: Information Update - Description has changed: The Administrator's Meeting with NRDC and NY Enviro on GE Cleanup

I cannot attend but george pavlou will attend for me. Thanks
Sent by EPA Wireless E-Mail Services

☞ scheduling

----- Original Message -----

From: scheduling

Sent: 12/06/2010 08:19 AM EST

To: Bob Sussman; Catherine McCabe; Cynthia Giles-AA; George Pavlou; Lisa Feldt; Paul Simon

Cc: Georgia Bednar; Linda Huffman; Shelly Dawson; Teresa Hill

Subject: Information Update - Description has changed: The Administrator's Meeting with NRDC and NY Enviros on GE Cleanup

Attendees:

Ned (Edward) Sullivan, President - Scenic Hudson

Rebecca Troutman, Senior Counsel - Riverkeeper

Paul Gallay, Executive Director - Riverkeeper

Manna Jo Greene, Environmental Director - Clearwater

Larry Levine, Senior Attorney - NRDC

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:20 PM -----

From: Judith Enck/R2/USEPA/US

To: Lisa Plevin/R2/USEPA/US@EPA,

Date: 09/15/2010 01:59 PM

Subject: Re: Hudson River briefing materials

Ex. 5 Deliberative Process (DP)

Sent by EPA Wireless E-Mail Services

✉ Lisa Plevin

----- Original Message -----

From: Lisa Plevin

Sent: 09/15/2010 01:08 PM EDT

To: Judith Enck

Subject: Hudson River briefing materials

Lisa J. Plevin
Chief of Staff
US EPA Region 2
(212) 637-5000

Hudson River PCBs Dredging Project
September 15, 2010

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:20 PM -----

From: Judith Enck/R2/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA,
Date: 12/14/2010 10:49 PM
Subject: Re: hudson river

Got it. Thanks.
Sent by EPA Wireless E-Mail Services
✉ Seth Oster

----- Original Message -----

From: Seth Oster
Sent: 12/14/2010 10:39 PM EST
To: Judith Enck
Subject: Re: hudson river

You can still brief enviros Thurs night verbally. Because we are still announcing Friday. They need to be ready to go then.

✉ Judith Enck

----- Original Message -----

From: Judith Enck
Sent: 12/14/2010 09:20 PM EST
To: Seth Oster
Subject: Re: hudson river

technical staff (who pressed me very hard this afternoon to push for a Thursday release) now say they cannot be ready until Thursday night. they could have done it if they did an all nighter tonight but I didn't see the point of inflicting that on them, esp if we were not sure if Thursday was a go.

Judith Enck
Regional Administrator
U.S. Environmental Protection Agency
290 Broadway
New York, N.Y. 10007-1866
(212) 637-5000

▼ Seth Oster---12/14/2010 09:05:35 PM---Why? ----- Original Message -----

From: Seth Oster/DC/USEPA/US
To: Judith Enck/R2/USEPA/US@EPA
Date: 12/14/2010 09:05 PM
Subject: Re: hudson river

Why?

▼ Judith Enck

----- Original Message -----

From: Judith Enck
Sent: 12/14/2010 08:19 PM EST
To: Seth Oster
Subject: hudson river

hi seth: let's stick with Friday

Judith Enck
Regional Administrator
U.S. Environmental Protection Agency
290 Broadway
New York, N.Y. 10007-1866
(212) 637-5000

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:20 PM -----

From: Judith Enck/R2/USEPA/US
To: scheduling@EPA,
Date: 12/09/2010 03:59 PM
Subject: Re: Invitation: Conference Call with The Administrator - Hudson River PCB Cleanup (Dec 11 10:00 AM EST in By Phone (call-in information below))

Ok. I will be on the call
Sent by EPA Wireless E-Mail Services

▼ scheduling

----- Original Message -----

From: scheduling
Sent: 12/09/2010 09:49 AM EST
To: Bob Perciasepe; Bob Sussman; Brenda Mallory; Cynthia Giles-AA; George Pavlou;
Judith Enck; Lisa Feldt; Walter Mugdan
Cc: Becky Brooks; Carla Veney; Donald Maddox; Georgia Bednar; Linda Huffman; Nancy
Beck; Teresa Hill; Teri Porterfield
Subject: Invitation: Conference Call with The Administrator - Hudson River PCB
Cleanup (Dec 11 10:00 AM EST in By Phone (call-in information below))
Please call:

Ex. 6 Personal Privacy (PP)

Thank you.

ED_003002A_00000004-00021

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:20 PM -----

From: Judith Enck/R2/USEPA/US
To: Walter Mugdan/R2/USEPA/US@EPA,
Date: 12/01/2010 12:58 PM
Subject: Re: Hudson question

yes, you should be there. ask bob about others. thanks

Judith Enck
Regional Administrator
U.S. Environmental Protection Agency
290 Broadway
New York, N.Y. 10007-1866
(212) 637-5000

▼ Walter Mugdan---12/01/2010 09:37:34 AM---I understand the briefing for Lisa Jackson is scheduled for 4 PM on Monday, Dec. 6. May I assume I

From: Walter Mugdan/R2/USEPA/US
To: Enck.Judith@epamail.epa.gov
Date: 12/01/2010 09:37 AM
Subject: Hudson question

I understand the briefing for Lisa Jackson is scheduled for 4 PM on Monday, Dec. 6. May I assume I should plan on attending the briefing in DC? Do you want Eric and/or Paul to go along as well? (As you know, Paul is very knowledgeable about the history of the case, and about current details.)

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:20 PM -----

From: Bob Sussman/DC/USEPA/US
To: Walter Mugdan/R2/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Catherine McCabe/DC/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, "Pavlou George" <Pavlou.George@epa.gov>, "schaaf eric" <schaaf.eric@epa.gov>, "simon paul" <simon.paul@epa.gov>, Doug Garbarini/R2/USEPA/US@EPA,
Cc: "Seth Oster" <Oster.Seth@epamail.epa.gov>
Date: 12/13/2010 02:44 PM
Subject: Re: Hudson Update

I have some guidance from the Administrator and will provide it to Walter and Judith when they are available for a call. Please advise when a call would be convenient.

From: Walter Mugdan
Sent: 12/13/2010 02:40 PM EST
To: Bob Sussman; Lisa Feldt; Catherine McCabe; Judith Enck; Pavlou.George@epa.gov; schaaf.eric@epa.gov; simon.paul@epa.gov; Doug Garbarini
Subject: Hudson Update

Ann Klee called me this morning, and I just returned the call and spoke with her. She asked whether we had made a final decision; I said we had not. She then engaged in another discussion about X = 12, X = 11 or X = 10. She continued to argue for X = 12.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

----- Forwarded by Judy Robin/R2/USEPA/US on 12/12/2010 02:20 PM -----

From: Bob Sussman/DC/USEPA/US
To: Judith Enck/R2/USEPA/US@EPA,
Date: 12/07/2010 06:54 AM
Subject: Re: Hudson

Hanks judith. Feel free to call me too.

▼ Judith Enck

----- Original Message -----

From: Judith Enck
Sent: 12/06/2010 11:13 PM EST
To: Bob Sussman
Subject: Fw: Hudson

Can't remember if I sent u this earlier. I hope the mtgs over the next few days provide greater clarity. I felt I was rather muddled in todays meeting and didn't help obtain clarity. I will stay in touch with walter and george this week but if u need to reach me email me and I will call u back. We have a jam packed schedule in puerto rico but every few hours I get to return calls. Cheers judith

Sent by EPA Wireless E-Mail Services

▼ Mary Mears

----- Original Message -----

From: Mary Mears
Sent: 12/06/2010 05:14 PM EST
To: Judith Enck; Brendan Gilfillan; Walter Mugdan; Bonnie Bellow; Peter Brandt; Dave Kluesner
Subject: Hudson

Below is the AP story from just a few minutes ago. The quote is from me sending the statement that Brendan wrote on Friday. Not surprising and as you can see, the focus is on how much capping will be allowed.

Mary Mears

Chief, Public Outreach Branch, U.S. EPA

office - 212-637-3673

cell - 646-369-0077

www.epa.gov/region2

NY worried EPA will allow caps in Hudson PCB plan

NY, environmentalists worried EPA will allow too much capping in Hudson River PCB dredge plan

 Associated Press

Michael Hill, Associated Press, On Monday December 6, 2010, 5:03 pm

ALBANY, N.Y. (AP) -- State officials and environmentalists are concerned that the U.S. Environmental Protection Agency could allow more contaminated Hudson River sediment to be capped rather than dredged as originally planned.

The EPA is expected to release standards as early as next Monday for the second phase of the massive PCB dredging project along 40 miles of river bottom north of Albany. The river was contaminated years ago by two plants operated by General Electric Co., which is doing the cleanup under the federal Superfund law.

Both the EPA and GE reiterated their commitment to the project after the concerns were publicized Monday. GE stressed that capping contaminated river sediment will not be used as a substitute for removing it.

Larry Levine of the Natural Resources Defense Council said there was general agreement on the need to cap rocky and other hard-to-dredge places, or about 10 percent of the contaminated area. But Levine said capping up to 24 percent of the contaminated area was still being discussed.

The state Department of Environmental Conservation said in a letter dated Dec. 2 that any contaminants that can be dredged should be dredged for the long-term health of the river. The agency said caps topped with a stone layer would have to be maintained, monitored and would affect the river habitat.

"EPA will be heading in the wrong direction if it permits GE to leave PCB inventory in the river that can and should otherwise be dredged," wrote Stuart Gruskin, the agency's executive deputy commissioner.

GE spokesman Mark Behan said the company has proposed a thorough standard that would rely on capping only in limited circumstances when multiple dredging attempts become unproductive, slow down work and kick up more PCBs into the river. He said New York misunderstands GE's proposal.

"We have not proposed to substitute capping for dredging," Behan said. "This will still be one of the largest environmental dredging projects ever undertaken in the United States."

EPA spokeswoman Mary Mears said the agency fully expects GE to finish the project and is working with the company and others to make sure it does so.

"Agency officials are meeting with GE and a wide range of environmental and community groups and state and local officials -- because there are highly technical issues we have to work through to ensure the job is done right," Mears said.

A test phase of the cleanup last year revealed that PCB contamination was more concentrated in the targeted "hot spots" than expected. The dredging also kicked up PCBs into the water at a level higher than desired. The percentage of capping in the first phase was 37 percent, according to the EPA.

An independent panel of scientists this year called for substantive changes to standards that govern the project, including the pace of work and levels of PCBs that dredgers stir up.

Dredging is scheduled to restart in the spring and could take seven years or more, though the timeframe will depend on the new standards.

After the EPA releases its standards for the second phase, GE will have a month to decide whether to accept the terms.

GE has already spent about \$561 million on the project.

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:20 PM -----

From: Judith Enck/R2/USEPA/US
To: Bonnie Bellow/R2/USEPA/US@EPA,
Cc: Lisa Plevin/R2/USEPA/US@EPA, Mary Mears/R2/USEPA/US@EPA
Date: 12/01/2010 03:44 PM
Subject: Re: Mathy's Visit

can we do UPROSE on another date or are we locked in to that date for some reason. thanks

Judith Enck
Regional Administrator
U.S. Environmental Protection Agency
290 Broadway
New York, N.Y. 10007-1866
(212) 637-5000

▼ Bonnie Bellow---12/01/2010 03:28:02 PM---For scheduling purposes, here's Mathy's tentative schedule. If the schedule remains as is, you would

From: Bonnie Bellow/R2/USEPA/US
To: Judith Enck/R2/USEPA/US@EPA
Cc: Lisa Plevin/R2/USEPA/US@EPA, Mary Mears
Date: 12/01/2010 03:28 PM
Subject: Mathy's Visit

For scheduling purposes, here's Mathy's tentative schedule. If the schedule remains as is, you would be able to meet with him in the morning and then go to the UPROSE event. You would miss the senior staff lunch. We (PAD) are working on the stakeholder meeting with ERRD, and have a planning call with OSWER on Monday to get a real sense of who Mathy wants to meet with (since he knows the groups).

9:30 to 10:00 RA/DRA/OSWER Meeting
10:00 to 11:00 Superfund All Hands Meeting
11:00 to 12:00 ERRD Senior Management/OSWER meeting: site-specific issues/hot topics
12:00 to 1:00 Working Lunch with everyone
1:00 to 2:00 RCRA/Tanks All Hands Meeting
2:00 to 3:00 DEPP/DECA Senior Management/OSWER: site-specific issues/hot topics
3:00 - 5:00 Stakeholder meetings

On Hudson, Walter has told me several times that he doesn't expect to be ready to convey our decision to GE until the end of the day on December 13. If it's too late, we will hold the announcement until the morning of December 14. We need to do congressional notifications first, so the morning will be best. That means December 14 is likely to be your main day for media interviews, not the 13th. Monday, January 10 looks clear.

Bonnie Bellow
Director, Public Affairs Division
U.S. Environmental Protection Agency
Region 2
212-637-3660 office
646-369-0062 cell

▼ Judith Enck---12/01/2010 11:50:55 AM---ok. keep in mind: we will likely issue our hudson river pcb recommendation on december 13 and ge wi

From: Judith Enck/R2/USEPA/US
To: Lisa Plevin/R2/USEPA/US@EPA
Cc: Bonnie Bellow/R2/USEPA/US@EPA
Date: 12/01/2010 11:50 AM
Subject: Re: Fw: Mathy and UPROSE

ok. keep in mind: we will likely issue our hudson river pcb recommendation on december 13 and ge will announce their opt in or opt out decision on january 10 so I should be in the office both of those days and we need to block out time for either press calls.

Judith Enck
Regional Administrator
U.S. Environmental Protection Agency
290 Broadway
New York, N.Y. 10007-1866
(212) 637-5000

▼ Lisa Plevin---12/01/2010 10:58:45 AM---fyi Lisa J. Plevin

From: Lisa Plevin/R2/USEPA/US
To: Judith Enck/R2/USEPA/US@EPA
Date: 12/01/2010 10:58 AM
Subject: Fw: Mathy and UPROSE

fyi

Lisa J. Plevin
Chief of Staff
US EPA Region 2
(212) 637-5000

----- Forwarded by Lisa Plevin/R2/USEPA/US on 12/01/2010 10:58 AM -----

From: Mary Mears/R2/USEPA/US
To: Lisa Plevin/R2/USEPA/US@EPA
Cc: may.jennifer@epa.gov, Bonnie Bellow/R2/USEPA/US@EPA
Date: 12/01/2010 07:31 AM
Subject: Mathy and UPROSE

Hi Lisa:

Judith had thought Mathy might want to join her at the UPROSE event January 11 at 11:30am since he is in town for a regional visit. we asked Mathy's Chief of Staff and it turns out, he is recused from dealings with UPROSE, so it looks like it will just be Judith.

Mary Mears
Chief, Public Outreach Branch, U.S. EPA
office - 212-637-3673
cell - 646-369-0077
www.epa.gov/region2

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2010 02:20 PM -----

From: Judith Enck/R2/USEPA/US
To: Mary Mears/R2/USEPA/US@EPA, Bonnie Bellow/R2/USEPA/US@EPA,
Date: 12/16/2010 04:40 PM
Subject: Re: Hudson remarks for JE

Sure
Sent by EPA Wireless E-Mail Services

▼ Mary Mears

----- Original Message -----

From: Mary Mears
Sent: 12/16/2010 04:36 PM EST
To: Bonnie Bellow; Judith Enck
Subject: Fw: Hudson remarks for JE

I don't feel strongly one way or another.

Mary Mears
Chief, Public Outreach Branch, U.S. EPA
office - 212-637-3673
cell - 646-369-0077
www.epa.gov/region2

----- Forwarded by Mary Mears/R2/USEPA/US on 12/16/2010 04:36 PM -----

From: Brendan Gilfillan/DC/USEPA/US
To: Mary Mears/R2/USEPA/US@EPA
Date: 12/16/2010 04:22 PM
Subject: Re: Hudson remarks for JE

one thought on these - folks here see the graph about outreach as a central message - can we move that up in her remarks?

- The plan announced today follows months of consultation with GE, New York State and a wide range of stakeholder groups.

▼ Mary Mears---12/16/2010 09:54:42 AM---Hey Brendan: Not sure if you wanted to see these, but here they are in case you do.

From: Mary Mears/R2/USEPA/US
To: Brendan Gilfillan/DC/USEPA/US@EPA
Date: 12/16/2010 09:54 AM
Subject: Hudson remarks for JE

Hey Brendan:

Not sure if you wanted to see these, but here they are in case you do.

[attachment "Hudson River Phase 2 remarks FINAL DRAFT 12 16.docx" deleted by Brendan Gilfillan/DC/USEPA/US]

Mary Mears
Chief, Public Outreach Branch, U.S. EPA
office - 212-637-3673
cell - 646-369-0077
www.epa.gov/region2

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:20 PM -----

From: Bob Sussman/DC/USEPA/US
To: Judith Enck/R2/USEPA/US@EPA,
Date: 12/03/2010 06:34 AM
Subject: Re: Jeff Immelt Meeting

Ex. 5 Deliberative Process (DP)

▼ Judith Enck

----- Original Message -----

From: Judith Enck
Sent: 12/02/2010 11:09 PM EST
To: Bob Sussman
Subject: Re: Jeff Immelt Meeting

Ex. 5 Deliberative Process (DP)

Sent by EPA Wireless E-Mail Services

▼ Bob Sussman

----- Original Message -----

From: Bob Sussman
Sent: 12/02/2010 10:22 PM EST
To: Judith Enck
Subject: Re: Jeff Immelt Meeting

Thanks Judith.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

▼ Judith Enck

----- Original Message -----

From: Judith Enck
Sent: 12/02/2010 08:05 PM EST
To: Bob Sussman
Subject: Jeff Immelt Meeting

Hi Bob: Both Walter and I are unavailable to attend the Tuesday meeting with the NGO's so I have asked George Pavlou to attend for the region.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Judith Enck
Regional Administrator
U.S. Environmental Protection Agency
290 Broadway
New York, N.Y. 10007-1866
(212) 637-5000

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:20 PM -----

From: Judith Enck/R2/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA,
Date: 12/03/2010 07:57 AM
Subject: Re: Jeff Immelt Meeting

Sending both is fine
Sent by EPA Wireless E-Mail Services

▼ Bob Sussman

----- Original Message -----

From: Bob Sussman
Sent: 12/03/2010 06:34 AM EST
To: Judith Enck
Subject: Re: Jeff Immelt Meeting

Ex. 5 Deliberative Process (DP)

▼ Judith Enck

----- Original Message -----

From: Judith Enck
Sent: 12/02/2010 11:09 PM EST
To: Bob Sussman
Subject: Re: Jeff Immelt Meeting

Ex. 5 Deliberative Process (DP)

Sent by EPA Wireless E-Mail Services

▼ Bob Sussman

----- Original Message -----

From: Bob Sussman
Sent: 12/02/2010 10:22 PM EST
To: Judith Enck
Subject: Re: Jeff Immelt Meeting

Thanks Judith.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

▼ Judith Enck

----- Original Message -----

From: Judith Enck
Sent: 12/02/2010 08:05 PM EST
To: Bob Sussman
Subject: Jeff Immelt Meeting

Hi Bob: Both Walter and I are unavailable to attend the Tuesday meeting with the NGO's so I have asked George Pavlou to attend for the region.

Ex. 5 Deliberative Process (DP)

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Judith Enck
Regional Administrator
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----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:20 PM -----

From: Judith Enck/R2/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA,
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA
Date: 12/05/2010 08:42 PM
Subject: Re: Hudson Presentation for Tomorrow

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Sent by EPA Wireless E-Mail Services

▼ Bob Sussman

----- Original Message -----

From: Bob Sussman

Sent: 12/05/2010 04:23 PM EST

To: Richard Windsor

Cc: Bob Perciasepe; Lisa Feldt; Mathy Stanislaus; Judith Enck

Subject: Hudson Presentation for Tomorrow

CONFIDENTIAL AND DELIBERATIVE -- DO NOT FURTHER DISTRIBUTE

Lisa --- the enclosed is the R2/OSWER presentation for tomorrow's internal GE briefing. It's still being fine-tuned but I'd urge you to peruse it today if you have time. The issues are complex and (even for a fast study like you) need time to sink in.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

----- Forwarded by Bob Sussman/DC/USEPA/US on 12/05/2010 02:30 PM -----etr

From: waltermugdan@aol.com

To: Eric Schaaf/R2/USEPA/US@EPA, Paul Simon/R2/USEPA/US@EPA, Douglas Fischer/R2/USEPA/US@EPA, David King/R2/USEPA/US@EPA, Doug Garbarini/R2/USEPA/US@EPA, Benny Conetta/R2/USEPA/US@EPA, Gary Klawinski/R2/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, egfeldt@aol.com, Elizabeth Southerland/DC/USEPA/US@EPA, James Woolford/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Catherine McCabe/DC/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Walter Mugdan/R2/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, bdonahue@enrd.usdoj.gov, pkautsky@enrd.usdoj.gov

Date: 12/04/2010 06:01 PM

Subject: Revised Hudson Presentation

Attached is the revised draft.

[attachment "HudsonBriefing-_12-6-10[3].ppt" deleted by Judith Enck/R2/USEPA/US]

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2010 02:20 PM -----

From: Judith Enck/R2/USEPA/US
To: "Bonnie Bellow" <bonniebellow@gmail.com>,
Date: 12/11/2010 11:14 AM
Subject: Re: Hudson River Press Release

We are likely going out on tuesday
Sent by EPA Wireless E-Mail Services

From: Bonnie Bellow [bonniebellow@gmail.com]
Sent: 12/11/2010 09:38 AM EST
To: Judith Enck
Cc: Bonnie Bellow
Subject: Hudson River Press Release

Here is a version with your changes.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Good luck on the call. I am sending this from my gmail account so I can attach the release, but reply to "all" and I will get in on my Blackberry. I will be at the pool and will check my BB.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

--

Bonnie Bellow
212-222-7774

Ex. 6 Personal Privacy (PP) cell

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:20 PM -----

From: Judith Enck/R2/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA,
Date: 12/02/2010 11:09 PM
Subject: Re: Jeff Immelt Meeting

Ex. 5 Deliberative Process (DP)

Sent by EPA Wireless E-Mail Services

▼ Bob Sussman

----- Original Message -----

From: Bob Sussman
Sent: 12/02/2010 10:22 PM EST
To: Judith Enck
Subject: Re: Jeff Immelt Meeting

Thanks Judith.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

▼ Judith Enck

----- Original Message -----

From: Judith Enck
Sent: 12/02/2010 08:05 PM EST
To: Bob Sussman
Subject: Jeff Immelt Meeting

Hi Bob: Both Walter and I are unavailable to attend the Tuesday meeting with the NGO's so I have asked George Pavlou to attend for the region.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Judith Enck
Regional Administrator
U.S. Environmental Protection Agency
290 Broadway
New York, N.Y. 10007-1866
(212) 637-5000

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2010 02:20 PM -----

From: Judith Enck/R2/USEPA/US
To: Bonnie Bellow/R2/USEPA/US@EPA,
Cc: Adora Andy/DC/USEPA/US@EPA, Andra Belknap/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Dave Kluesner/R2/USEPA/US@EPA, Eric Schaaf/R2/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, Lisa Plevin/R2/USEPA/US@EPA, Mary Mears/R2/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA
Date: 12/17/2010 01:08 PM
Subject: Re: Hudson Media Coverage so far....

we just had a very positive discussion with fred lebrun, an influential columnist with the Albany Times Union.

Judith Enck
Regional Administrator
U.S. Environmental Protection Agency
290 Broadway
New York, N.Y. 10007-1866
(212) 637-5000

▼ Bonnie Bellow---12/17/2010 01:01:50 PM---Here are links to the stories that have already been filed. New York Times:

From: Bonnie Bellow/R2/USEPA/US
To: Brendan Gilfillan, Andra Belknap/DC/USEPA/US@EPA, Seth Oster, Judith Enck, George Pavlou, Walter Mugdan, Adora Andy, Eric Schaaf, Bob Sussman/DC/USEPA/US@EPA, Lisa Plevin
Cc: Mary Mears, Dave Kluesner
Date: 12/17/2010 01:01 PM
Subject: Hudson Media Coverage so far....

Here are links to the stories that have already been filed.

New York Times:

<http://www.nytimes.com/2010/12/18/nyregion/18hudson.html?partner=rss&emc=rss>

Wall St Journal:

<http://online.wsj.com/article/SB10001424052748704034804576025500548081530.html>

<http://online.wsj.com/article/AP34146ede6c164658819b07c94312d767.html>

Bloomberg:

<http://www.bloomberg.com/news/2010-12-17/ge-cleanup-of-new-york-s-hudson-river-must-release-fewer-toxins-epa-says.html>

<http://www.bloomberg.com/news/2010-12-17/epa-issues-new-pcb-dredging-rules-for-ge-in-ny.html>

NBC4:

<http://www.nbcnewyork.com/news/local-beat/EPA-to-Require-Deeper-Dredging-Allow-Some-Capping-of-PCB-laced-Hudson-River-112068734.html>

Fox 23 Albany:

<http://www.fox23news.com/content/newsalert/story/EPA-GE-must-take-out-more-PCBS-before-capping/fps5fEfJskiXyi0eCGpHRA.csp>

Businesswire:

<http://www.businesswire.com/news/home/20101217005792/en/GE-Evaluating-EPA-Plan-Phase-Hudson-River>

News 13 Albany:

<http://wnyt.com/article/stories/S1887514.shtml?cat=300>

Sun Herald:

<http://www.sunherald.com/2010/12/17/2721841/ge-evaluating-epa-plan-for-next.html>

Bonnie Bellow
Director, Public Affairs Division
U.S. Environmental Protection Agency
Region 2
212-637-3660 office
646-369-0062 cell

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:20 PM -----

From: Richard Windsor/DC/USEPA/US
To: Judith Enck/R2/USEPA/US@EPA,
Date: 12/01/2010 03:39 PM
Subject: Re: Hudson River Dredging Project and GE PCBs

Tx!

▼ Judith Enck

----- Original Message -----

From: Judith Enck
Sent: 12/01/2010 03:38 PM EST
To: Richard Windsor
Subject: Hudson River Dredging Project and GE PCBs

Hi Lisa: thank you for your journey to NY today. It really energized many of the staff. You clearly are loved. Please read the attached letter from the NGO's about the potential high level of capping of Hudson River PCBs.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Judith Enck
Regional Administrator
U.S. Environmental Protection Agency
290 Broadway

New York, N.Y. 10007-1866
(212) 637-5000

----- Forwarded by Judith Enck/R2/USEPA/US on 12/01/2010 03:31 PM -----

From: Rebecca Troutman <RTroutman@riverkeeper.org>
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Judith Enck/R2/USEPA/US@EPA, Walter Mugdan/R2/USEPA/US@EPA, Eric Schaaf/R2/USEPA/US@EPA, Paul Simon/R2/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, James Woolford/DC/USEPA/US@EPA, "ahcrocke@gw.dec.state.ny.us" <ahcrocke@gw.dec.state.ny.us>, "kxfarrar@gw.dec.state.ny.us" <kxfarrar@gw.dec.state.ny.us>, "tom.brosnan@noaa.gov" <tom.brosnan@noaa.gov>, "lisa.rosman@noaa.gov" <lisa.rosman@noaa.gov>, Elizabeth Southerland/DC/USEPA/US@EPA, "brian.donahue@usdoj.gov" <brian.donahue@usdoj.gov>, "sfgruski@gw.dec.state.ny.us" <sfgruski@gw.dec.state.ny.us>, "rfoley@usbr.gov" <rfoley@usbr.gov>, "eugene.leff@oag.state.ny.us" <eugene.leff@oag.state.ny.us>, "john.davis@oag.state.ny.us" <john.davis@oag.state.ny.us>
Date: 12/01/2010 03:09 PM
Subject: Hudson River Dredging Project and GE PCBs

Re: Hudson River Dredging and GE PCBs

Dear Mr. Sussman:

Please find attached a letter from representatives of Riverkeeper, Scenic Hudson, Natural Resources Defense Council and Clearwater regarding our meeting with you yesterday. We thank you for your time and consideration on this critical matter.

Sincerely,
Rebecca Troutman

Rebecca Troutman
Senior Counsel
Riverkeeper, Inc.
20 Secor Road
Ossining, NY 10562
914-478-4501 ext. 241
914-478-4527 fax
rtroutman@riverkeeper.org <<mailto:rtroutman@riverkeeper.org>>
www.riverkeeper.org <<http://www.riverkeeper.org>>

[cid:image001.gif@01CB84E5.874FEB10]

P Please consider the environment before printing this email.

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[attachment "Letter to EPA_Sussman_12_1_10.pdf" deleted by Richard Windsor/DC/USEPA/US]

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:20 PM -----

ED_003002A_00000004-00036

From: Bob Sussman/DC/USEPA/US
To: Judith Enck/R2/USEPA/US@EPA,
Date: 12/06/2010 07:09 AM
Subject: Re: Hudson Presentation for Tomorrow

Thanks Judith. Good for the administrator to hear.

▼ Judith Enck

----- Original Message -----

From: Judith Enck
Sent: 12/05/2010 08:42 PM EST
To: Bob Sussman; Richard Windsor
Cc: Bob Perciasepe; Lisa Feldt; Mathy Stanislaus
Subject: Re: Hudson Presentation for Tomorrow

Ex. 5 Deliberative Process (DP)

Sent by EPA Wireless E-Mail Services

▼ Bob Sussman

----- Original Message -----

From: Bob Sussman
Sent: 12/05/2010 04:23 PM EST
To: Richard Windsor
Cc: Bob Perciasepe; Lisa Feldt; Mathy Stanislaus; Judith Enck
Subject: Hudson Presentation for Tomorrow

CONFIDENTIAL AND DELIBERATIVE -- DO NOT FURTHER DISTRIBUTE

Lisa --- the enclosed is the R2/OSWER presentation for tomorrow's internal GE briefing. It's still being fine-tuned but I'd urge you to peruse it today if you have time. The issues are complex and (even for a fast study like you) need time to sink in.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

A few points to keep in mind:

Ex. 5 Deliberative Process (DP)

I invite others to chime in.

----- Forwarded by Bob Sussman/DC/USEPA/US on 12/05/2010 02:30 PM -----etr

From: waltermugdan@aol.com

To: Eric Schaaf/R2/USEPA/US@EPA, Paul Simon/R2/USEPA/US@EPA, Douglas Fischer/R2/USEPA/US@EPA, David King/R2/USEPA/US@EPA, Doug Garbarini/R2/USEPA/US@EPA, Benny Conetta/R2/USEPA/US@EPA, Gary Klawinski/R2/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, egfeldt@aol.com, Elizabeth Southerland/DC/USEPA/US@EPA, James Woolford/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Catherine McCabe/DC/USEPA/US@EPA, Elliott Gilbert/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Walter Mugdan/R2/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, bdonahue@enrd.usdoj.gov, pkautsky@enrd.usdoj.gov

Date: 12/04/2010 06:01 PM

Subject: Revised Hudson Presentation

Attached is the revised draft.

[attachment "HudsonBriefing-_12-6-10[3].ppt" deleted by Judith Enck/R2/USEPA/US]

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:20 PM -----

From: Judith Enck/R2/USEPA/US
To: scheduling@EPA,
Date: 12/09/2010 12:38 PM
Subject: Re: Invitation: The Administrator's Meeting with NY DEC Acting Commissioner (Dec 10 05:00 PM EST in Bullet Room)

Thanks! I will call in
Sent by EPA Wireless E-Mail Services
scheduling

----- Original Message -----

From: scheduling
Sent: 12/09/2010 08:35 AM EST
To: Judith Enck
Subject: Invitation: The Administrator's Meeting with NY DEC Acting Commissioner (Dec 10 05:00 PM EST in Bullet Room)

Call-in:

Ex. 6 Personal Privacy (PP)

topic: Hudson River PCB Cleanup

Attendees:

Peter Iwanowicz, Acting Commissioner
Stuart Gruskin, Executive Deputy Commissioner
Kevin Farrar, Section Chief, Hudson River Unit

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2019 02:20 PM -----

From: Judith Enck/R2/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA,
Date: 11/29/2010 03:48 PM
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

great.

Judith Enck
Regional Administrator
U.S. Environmental Protection Agency
290 Broadway
New York, N.Y. 10007-1866
(212) 637-5000

▼ Bob Sussman---11/29/2010 03:42:45 PM---Sounds good but after his introduction, a short summary of where we stand with GE would be helpful.

From: Bob Sussman/DC/USEPA/US
To: Judith Enck/R2/USEPA/US@EPA
Cc: Benny Conetta/R2/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, fischer.douglas@epa.gov, Garbarini.Doug@epamail.epa.gov, James Woolford/DC/USEPA/US@EPA, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, Lisa Feldt/DC/USEPA/US@EPA, Pavlou.George@epa.gov, schaafer.eric@epa.gov, simon.paul@epa.gov, Southerland.Elizabeth@epamail.epa.gov, Walter Mugdan/R2/USEPA/US@EPA, wmichaelmccabe@earthlink.net
Date: 11/29/2010 03:42 PM
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

Sounds good but after his introduction, a short summary of where we stand with GE would be helpful. I can do that, with an assist from the region.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
(202)-564-7397
US Environmental Protection Agency

▼ Judith Enck---11/29/2010 03:33:36 PM---I agree with walter. further, we should think about how to structure the meeting so it is the most

From: Judith Enck/R2/USEPA/US
To: Walter Mugdan/R2/USEPA/US@EPA
Cc: Bob Sussman/DC/USEPA/US@EPA, Benny Conetta/R2/USEPA/US@EPA, Elliott Gilberg/DC/USEPA/US@EPA, fischer.douglas@epa.gov, Garbarini.Doug@epamail.epa.gov, James Woolford/DC/USEPA/US@EPA, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, Lisa Feldt/DC/USEPA/US@EPA, Pavlou.George@epa.gov, schaafer.eric@epa.gov, simon.paul@epa.gov, Southerland.Elizabeth@epamail.epa.gov, wmichaelmccabe@earthlink.net
Date: 11/29/2010 03:33 PM
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

I agree with walter.
further, we should think about how to structure the meeting so it is the most productive it can be in one hour. I know for the meeting with New York state govt and the trustees they plan to have dec exec deputy commissioner stu gruskin open up the meeting to frame the state's views on the project for about ten minutes.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

The people coming to both meetings are well versed on the details of the project.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

logisitcs:

the 1pm meeting with the state is in ariel rios north but we don't know the room yet. right?

the 3:30 meeting with the NGO's is in ariel rios north room 3309

Judith Enck
Regional Administrator
U.S. Environmental Protection Agency
290 Broadway
New York, N.Y. 10007-1866
(212) 637-5000

▼ Walter Mugdan--11/29/2010 03:10:57 PM--

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Walter Mugdan/R2/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Benny Conetta/R2/USEPA/US@EPA, Elliott Gilbert/DC/USEPA/US@EPA, Enck.Judith@epamail.epa.gov, fischer.douglas@epa.gov, Garbarini.Doug@epamail.epa.gov, James Woolford/DC/USEPA/US@EPA, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, Lisa Feldt/DC/USEPA/US@EPA, Pavlou.George@epa.gov, schaaf.eric@epa.gov, simon.paul@epa.gov, Southerland.Elizabeth@epamail.epa.gov, wmichaelmccabe@earthlink.net
Date: 11/29/2010 03:10 PM
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

Ex. 5 Deliberative Process (DP)

[attachment "Resuspension Standard.11 27.docx" deleted by Judith Enck/R2/USEPA/US]

▼ Bob Sussman--11/29/2010 02:38:15 PM--Thanks Walter.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Bob Sussman/DC/USEPA/US
To: Walter Mugdan/R2/USEPA/US@EPA
Cc: Benny Conetta/R2/USEPA/US@EPA, Elliott Gilbert/DC/USEPA/US@EPA, Enck.Judith@epamail.epa.gov, fischer.douglas@epa.gov, Garbarini.Doug@epamail.epa.gov, James Woolford/DC/USEPA/US@EPA, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, Lisa Feldt/DC/USEPA/US@EPA, Pavlou.George@epa.gov, schaaf.eric@epa.gov, simon.paul@epa.gov, Southerland.Elizabeth@epamail.epa.gov, wmichaelmccabe@earthlink.net
Date: 11/29/2010 02:38 PM
Subject: Re: FYI: NRDC Blog on Hudson River Cleanup

Thanks Walter.

Ex. 5 Deliberative Process (DP)

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
(202)-564-7397
US Environmental Protection Agency

▼ Walter Mugdan---11/29/2010 02:14:31 PM---You may wish to read this in advance of our meeting with the NGOs tomorrow:

From: Walter Mugdan/R2/USEPA/US

To: Sussman.Bob@epamail.epa.gov, Lisa Feldt/DC/USEPA/US@EPA, James Woolford/DC/USEPA/US@EPA, Southerland.Elizabeth@epamail.epa.gov, wmichaelmccabe@earthlink.net, Elliott Gilberg/DC/USEPA/US@EPA, Enck.Judith@epamail.epa.gov, Pavlou.George@epa.gov

Cc: schaaf.eric@epa.gov, simon.paul@epa.gov, Garbarini.Doug@epamail.epa.gov, king.david@epa.gov, Klawinski.Gary@epamail.epa.gov, fischer.douglas@epa.gov, Benny Conetta/R2/USEPA/US@EPA

Date: 11/29/2010 02:14 PM

Subject: FYI: NRDC Blog on Hudson River Cleanup

You may wish to read this in advance of our meeting with the NGOs tomorrow:

----- Forwarded by Walter Mugdan/R2/USEPA/US on 11/29/2010 02:12 PM -----

From: "Levine, Larry" <llevine@nrdc.org>

To: "Levine, Larry" <llevine@nrdc.org>

Date: 11/29/2010 01:35 PM

Subject: Blog post: Will Sound Science -- or Corporate Interests -- Rule the Day on Hudson PCBs Cleanup?

I thought you might be interested in this new post:

http://switchboard.nrdc.org/blogs/llevine/will_sound_science__or_corpo.html

----- Forwarded by Judy Rubin/R2/USEPA/US on 12/12/2010 02:20 PM -----

From: Richard Windsor/DC/USEPA/US

To: Judith Enck/R2/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA,

Date: 12/17/2010 06:07 PM

Subject: Re: Hudson attention fro NY Riverkeeper's news room

It is. Thanks.

▼ Judith Enck

----- Original Message -----

From: Judith Enck

Sent: 12/17/2010 05:59 PM EST

To: Bob Sussman; Richard Windsor

Subject: Hudson attention fro NY Riverkeeper's news room

Ex. 5 Deliberative Process (DP)

frances beinecke is going to send a note to jeff imelt urging ge to opt in.
cheers,

Judith

▼ Elizabeth Myer

<http://www.riverkeeper.org/news-events/news/stop-polluters/contaminated-sites/enviro-groups-epa-pcb-cleanup-plan-is-compromise-but-will-benefit-river-communities/>

12.17.10 :: Press Releases :: Contaminated Sites

Enviro Groups: EPA PCB Cleanup Plan is Compromise but will Benefit River, Communities

Hudson River Sloop Clearwater
Natural Resources Defense Council
Riverkeeper
Scenic Hudson

FOR IMMEDIATE RELEASE

Press Contacts:

Julia Church, Clearwater, 845 265 8080, ext. 7112, or julia@clearwater.org

Kate Slusark, NRDC, 212 727 4592 or kslusark@nrdc.org

Tina Posterli, Riverkeeper, 914 478 4501, ext. 239, or tposterli@riverkeeper.org

Jay Burgess, Scenic Hudson, 845 473 4440, ext. 222, or jburgess@scenicudson.org

Enviro Groups: EPA PCB Cleanup Plan is Compromise but will Benefit River, Communities

With concessions given, GE's now in spotlight to move forward without delay or cutting corners

CAPITAL REGION/HUDSON VALLEY—Dec. 17, 2010—The U.S. Environmental Protection Agency today announced its requirements for the next phase of General Electric Co.'s cleanup of toxic waste in the Hudson River, revealing a compromise plan that gives significant concessions to GE but will still result in major improvements for the health of the river and the people who live along it, according to leading environmental groups who have long pushed for a safe and effective cleanup.

A statement follows from the groups—Hudson River Sloop Clearwater, Natural Resources Defense Council, Riverkeeper and Scenic Hudson:

"These standards are a compromise—ensuring a healthier Hudson in the years to come but letting GE get away with leaving a significant amount of toxic waste behind.

"Given the allowances that EPA's standards afford to GE, there's absolutely no excuse for the company not to opt in to the cleanup as soon as possible. All eyes will be on the corporation and EPA to ensure there are no corners cut once the cleanup begins.

"GE is the world's second-largest corporation and prides itself on its innovation. The EPA has made the next phase of the cleanup completely achievable so GE should commit and use the occasion put its 40,000 world-class engineers and scientists to work to prove that it is 'solving the world's toughest environmental challenges,' as it claims.

"The Hudson River and the millions of people who live along this iconic waterway deserve nothing less."

BACKGROUND

Positive aspects of EPA's plan

Our organizations have been calling for EPA to include several measures in their standards that were adopted in today's announcement. This includes rejecting GE's attempts to postpone the release of cleanup standards for the next phase by another year and rejecting a "one and done" approach that would have allowed the company to leave behind PCBs any time the dredge uncovers larger amounts of contamination than predicted by initial estimates.

GE now is faced with committing to a binding agreement to finish a multi-year cleanup beginning in spring 2011. And if the cleanup is implemented according to the standards the EPA released today, the Hudson River will end up much cleaner and healthier.

Concerns about Phase 2 requirements

The EPA provided GE with an "allowance" to leave behind elevated PCB levels in up to 21 percent of the cleanup area—with no set limit on the total amount PCBs—to be covered over by "caps" that may not prevent the toxic materials from being stirred up once again in the years to come.

The effectiveness of caps in the Hudson may prove unreliable over time because the river is subject to strong currents, heavy rains and spring thaws as well as heavy traffic by large ships. This shift toward more aggressive capping instead of removing as much of

the toxic PCBs as possible is disappointing. Federal and state agencies with oversight for the river's health and future share our concerns about capping in the highly active waterway. The environmental groups are, however, reassured that GE will be held responsible to maintain in perpetuity any caps placed during Phase 2.

-30-

▼ Peter Brandt---12/17/2010 03:56:54 PM--- EPA announces standards for Hudson cleanup, starts clock ticking for GE to commit to finishing the

From: Peter Brandt/R2/USEPA/US
To: Mary Mears/R2/USEPA/US@EPA
Cc: Benny Conetta/R2/USEPA/US@EPA, Berry Shore/R2/USEPA/US@EPA, Beth Soltani/R2/USEPA/US@EPA, Bonnie Bellow/R2/USEPA/US@EPA, David King/R2/USEPA/US@EPA, Douglas Fischer/R2/USEPA/US@EPA, Elizabeth Myer/R2/USEPA/US@EPA, Eric Schaaf/R2/USEPA/US@EPA, garbarini.doug@epa.gov, Gary Klawinski/R2/USEPA/US@EPA, George Pavlou/R2/USEPA/US@EPA, Jennifer May/R2/USEPA/US@EPA, John Senn/R2/USEPA/US@EPA, JohnJ Martin/R2/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, Michael McGowan/R2/USEPA/US@EPA, Paul Simon/R2/USEPA/US@EPA, Walter Mugdan/R2/USEPA/US@EPA, Elizabeth Myer/R2/USEPA/US@EPA
Date: 12/17/2010 03:56 PM
Subject: Larry Levine's NRDC blog

EPA announces standards for Hudson cleanup, starts clock ticking for GE to commit to finishing the project

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Posted December 17, 2010 in [Curbing Pollution](#), [Environmental Justice](#), [Health and the Environment](#), [Saving Wildlife and Wild Places](#)

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Today, [EPA released](#) its standards for the rest of the massive project to clean up the toxic waste that General Electric dumped in the Hudson River – one of the most cherished and important waterways in America – starting more than 60 years ago.

This highly anticipated release follows months of GE's [intense spinning](#) and lobbying for a plan that would protect the [second largest corporation in the world's](#) bottom line, at the expense of New Yorkers and, of course, the river.

A more thorough analysis of the over 800-page document and its implications for the river will take some time. But already this is clear: the release of these standards means that EPA heard [our call](#) to reject GE's attempts to

postpone its day of reckoning. And it sets the stage for the corporation to make a binding commitment to finish a major cleanup of the most contaminated stretch of the river.

And yet, today's announcement is, in essence, a compromise. There's no question that, if the cleanup is implemented under the standards announced today, we and future generations will all be able to enjoy a much cleaner and healthier Hudson River. And EPA's standards include several safeguards for which NRDC had advocated, and which GE had resisted.

However, we're disappointed to see that EPA has provided GE with an "allowance" of approximately 21% of the cleanup area where the company can cover over toxic waste -- including areas where it could be removed -- after a limited dredging effort. Although EPA says it anticipates 95% of PCBs in the Phase 2 cleanup area will be removed, the standards don't require GE to hit that target (and we haven't yet seen the technical analysis to support that projection). Further, although EPA has retained the discretion to adjust standards as the multi-year project continues, it specifically provides that the capping allowance can only be increased in the future, not made stricter.

EPA's decision starts the clock ticking -- GE has exactly four weeks to decide whether it will commit to the standards the agency has outlined or walk away, under a 2006 settlement. Given the decades the \$170-billion company spent evading its responsibility to clean up the contamination, it must move forward without delay. And given the allowances EPA has afforded GE in the cleanup standards, the company has no excuse not to opt-in.

(In a hopeful sign, GE's CEO Jeff Immelt explained to investors this week that the company will eliminate the "long-tail risk" to investors associated with GE's contingent liability for the Hudson cleanup. It *sounds like* GE may have finally decided it's in its best interests to "opt-in" to Phase 2 of the cleanup, rather than continuing to leave the cleanup, and the ultimate scope of GE's liability, in limbo. Refusing to complete the cleanup would run the risk of the corporation being liable to EPA for three times the cleanup's actual cost. But we've yet to see if GE will finally walk the walk.)

Here's a reminder of why this is critical for the health of the Hudson and those who depend on it:

PCBs are dangerous toxic industrial chemicals that have been linked to cancer, reproductive disorders, and developmental problems in humans. Over the course of 30 years, General Electric dumped more than 1.3 million pounds of these toxins into the Hudson River. The pollution decimated commercial fishing, and health advisories still recommend strict limits on eating fish from the river. As a result, the EPA declared a 200-mile stretch of the river a federal Superfund site -- the largest such site in the nation.

For our part, NRDC will continue to pursue all avenues available to make sure GE gets rid of its PCBs to the fullest extent possible. The future of the Hudson River depends on it.